



**MINUTES
CITY COUNCIL MEETING
August 3, 2022**

CALL TO ORDER

The meeting was called to order at 6:30pm.

Present: Mayor: Charlie Miner; Council: Deirdre Kvale, Jahn Dyvik, and Gina Joyce

Staff Present: City Administrator: Scott Weske; Fire Chief: James Van Eyll; and City Clerk: Jeanette Moeller

Absent: Council: Mike Feldmann (with prior notice)

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner offered the following comments and updates:

The Council had met in a work session prior to the regular meeting at which they primarily discussed the proposed 2023 budget and levy.

He reported that Buckhorn Days was a great event this year held on July 23 at Nelson Lakeside Park; the LLFD the Red Hot Run 5K was also held on Saturday, July 30 and had a great turnout; and Night to Unite took place the previous night on August 2 and included six neighborhood block parties.

He noted the Corn Days festival will be held at the Church of St. George on August 13, 2022 and gave a brief overview of some of the planned activities, including the return of the Corn Days Parade sponsored by the Long Lake Area Chamber of Commerce.

APPROVE AGENDA

A motion was made by Dyvik, seconded by Joyce, to approve the agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of July 19, 2022 City Council Work Session Meeting
- B. Approve Minutes of July 19, 2022 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Receive 2nd Quarter 2022 Preliminary Revenues and Expenditures as of June 30, 2022 as presented
- E. Adopt Resolution No. 2022-39 Approving Issuance of Special Event Permit #S2022-12 for the 2022 Corn Days Parade to be held August 13, 2022

A motion was made by Dyvik, seconded by Joyce, to approve the Consent Agenda, as presented. Ayes: all.

OPEN CORRESPONDENCE

No one was in attendance to address the City Council during Open Correspondence.

BUSINESS ITEMS

Consider Adoption of Ordinance Establishing a Moratorium on the Sale of Edible Cannabinoid Products Within the City of Long Lake

City Clerk Moeller provided a brief explanation of new legislation that allows certain edible and beverage products that are infused with THC to be sold. She noted that the legislative change regarding edible cannabinoids came about very quickly and was a surprise to many cities, which meant that they did not have adequate time to review their own local controls prior to the legalized sale of these products. She reported that a number of cities are working to either implement their own regulatory controls, or have established or are in the process of considering a moratorium in order to more closely study the issue, which is what staff is proposing for Long Lake. She indicated that staff would like time to study this matter a bit further before any decisions are made. She referenced some of the frequently asked questions and information that has been shared by the League of Minnesota Cities. She noted that she understands that Robbinsdale, Marshall, Sartell, Stillwater, Orono, Mound, and Wayzata are also considering or have already approved a moratorium.

Council member Joyce questioned whether the idea behind a moratorium was to decide if the City wanted to regulate things further or not allow it all.

Moeller stated that the moratorium is designed to give staff time to study what regulatory controls are in place already, what controls or licensing they may want to have in place, and how planning and zoning may play into this issue as well. She explained that the moratorium will allow the City to have a conversation on whether or not they want to license this or limit the locations in the City.

Councilmember Joyce asked if anyone had taken a look to see what Colorado had done.

Moeller stated that they had not and reiterated that this legislation was a surprise and came up with no warning or preparation time.

The Council discussed the allowed length of a moratorium and whether the entire year would be needed.

Moeller explained that with the upcoming election, she would not be able to start digging into this issue until December or January. She stated that she believes there is wisdom in taking time to allow staff to research this more thoroughly, but noted it will also allow for time to see what other cities do and examine what is upheld and what is not upheld. She observed that she also strongly suspects there may be additional legislation surrounding edible cannabinoids as well. She pointed out that the Council can rescind the moratorium earlier than a year if they feel that would be appropriate.

A motion was made by Miner, seconded by Kvale, to adopt Ordinance No. 2022-04 declaring a one-year Moratorium on and prohibiting the sale of edible cannabinoid products within the City of Long Lake, and directing staff to publish the Ordinance in its entirety. Ayes: all.

Consider Approval of Contingencies Related to the Purchase of Two Command Vehicles for the Long Lake Fire Department

City Administrator Weske reported that on July 25, 2022 the Orono City Council had approved the purchase of two fire trucks for the Long Lake Fire Department, subject to contingencies including their ownership of the vehicles.

Council member Dyvik asked if Fire Chief Van Eyll had stated that one of these vehicles had been included in the CIP for last year and the other was not planned until 2024.

Fire Chief Can Eyll confirmed that one of the command vehicles had been included in last year's CIP for purchase, and the other was not planned until a year or two further out. Typically these command duty vehicles are replaced on a 10 year cycle and the additional vehicle for potential replacement is a 2013 model. He explained that the first vehicle is used by the duty officers and the second is used by himself.

Council and staff discussed maintenance of the existing vehicles, mechanical problems the Chief's vehicle has been experiencing, ongoing supply chain issues, the 2002 fire services agreement's contract terms, and had general discussion surrounding replacement of the vehicles.

Council member Joyce voiced that she agreed the vehicles are needed but would disagree with the notion of Orono fully funding and owning the purchases. She indicated that the contract terms for purchases should be followed because the agreement is legally binding until 2025.

Mayor Miner requested further clarification on how a normal purchase would occur under the contract terms.

Van Eyll responded that the purchase of the second vehicle had not yet been approved and wouldn't be until the final budget is approved in December. The purchase of the second vehicle would have to follow the terms outlined in the contract for an unbudgeted necessary expense. The purchase of the first vehicle was already approved and budgeted.

The Council discussed various the purchases could be accomplished, operating expenses for the vehicles, a possible lease agreement with Orono for the LLFD's use of the vehicles, and if the purchases could be split up between the parties.

Council member Joyce emphasized that while she appreciated the Council being able to brainstorm ideas for these purchases, she felt it would be cleaner to simply move forward under the existing fire service agreement contract terms.

Council and staff reviewed the 2021 and 2022 CIP planned expense budgets, what funds had already been spent, and which had not.

Council member Dyvik wondered how much of a delay may be involved with something that appears to be an urgent need while the cities were working through purchase terms. He agreed with Council member Joyce in principal, but is afraid that the reality of what is needed to maintain the level of service may dictate a different action.

Council member Joyce questioned whether the vehicles were already on hold.

Van Eyll responded that there is one letter of intent to purchase one vehicle, with that vehicle intended to be the replacement order for the vehicle order previously approved and cancelled.

Weske added that in theory, the Council could approve the ordering of one command vehicle knowing that it is \$3,000 more than anticipated in the CIP and still stay within the 2022 budget.

Moeller mentioned that she believed any scenario the Council would support will need to go back to Orono unless the Council simply approves what has been presented with the contingencies as outlined.

Council member Dyvik commented that in light of the ongoing fire service contract negotiations and with the uncertainty of the outcome, he would tend to agree that the City should stay within the parameters of the contract. He stated that he would definitely not agree to Orono purchasing both command vehicles outright.

Van Eyll explained that the urgency is related to potential supply chain issues and what has happened in the past with pre-orders.

The Council discussed ways to potentially address possible supply chain issues and the possibility of sending a letter of intent from the City so the second vehicle could still be held while the cities are working through this process.

Mayor Miner raised the possibility of allowing Orono to purchase the first command vehicle outright, with the second one to be purchased under the normal contract parameters.

Council member Joyce stated that if everyone starts operating outside of the contract parameters, she would question why a contract even existed.

Council member Kvale pointed out that the City can tell Orono that they want to follow the contract terms, but Orono could still decide to go through with the purchases independently.

The Council discussed possible lease agreements, loan of vehicles, and paying for maintenance of the various vehicles.

Council member Joyce recommended that because Orono has already submitted a letter of intent on one of the vehicles, that Long Lake submit a letter of intent to purchase for the second vehicle to ensure that the vehicles remain available, and to allow time to go back to Orono and let them know that the City would like to follow the terms of the contract for purchase of the equipment.

Moeller suggested that the Council could add a 5th contingency that says something to the effect of "all of the above subject to an agreement memorializing the understanding of all parties related to maintenance and ownership of the vehicles prior to accepting the loan".

Council member Joyce expressed concern that then the LLFD would have to keep track of two vehicles separately. She indicated that Orono's proposed arrangement for the purchases just feels 'messy' to her when there is an existing contract that could be followed for purchase of equipment.

Council member Dyvik stated that he does not have a problem with them purchasing the vehicles and, if they were offered to be loaned to the City, he would not have a problem with the 'payment' for that being maintenance of the vehicle.

Weske noted that in that scenario the City would actually be losing money because it would be paying for maintenance on an asset that they have no stake in. He explained that the current contract says the City has first right of purchase or the assets will be divvied up.

Council member Dyvik referenced the idea raised by Council member Joyce of both cities putting out a letter of intent to hold the vehicles while they discuss the terms. He questioned what would happen if the two cities cannot come to an agreement on the purchase of these vehicles, and expressed concern that this may move the current contract negotiations backwards.

The Council continued to discuss various scenarios to move the purchase of the command vehicles forward.

Moeller explained that a letter of intent is not a binding agreement like a purchase agreement would be. She clarified that although the dealer may be in receipt of a letter of intent, they are not under any obligation hold it for the City and not sell it to another party.

Van Eyll added that it took about three months to find these current vehicles and he suspects it could take that amount of time or longer to find additional vehicles because they are in great demand nationwide due to supply chain issues. He assured the Council that even if the City does not say yes to this request, the Fire Department will still be responding to calls.

A motion was made by Joyce, seconded by Kvale, to approve the purchase of the Command 2 vehicle, as previously approved under the terms of the Long Lake Fire Department fire services agreement, which was budgeted for in the 2021 and 2022 CIP. Ayes: all.

A motion was made by Joyce, seconded by Miner, to approve the purchase of the Command 1 vehicle, as an unbudgeted necessary expense subject to the terms of the existing Long Lake Fire Department fire services agreement.

Council member Dyvik confirmed that it would be communicated with Orono that their proposed terms have been rejected.

Ayes: all.

Updates and Discussion Regarding Fire Department Matters

Mayor Miner reported that he and Council member Dyvik had met again twice with representatives from the Orono Council since the last Council meeting. In his opinion, the meetings have been productive and filled with good dialogue. He indicated that there was a meeting held earlier that morning with that future fire services planning group and noted that for the first time in a long time, Orono had representatives present at that meeting. He stated that the cities were asked to bring back the question to their various Councils about whether they were still interested in continuing to explore the fire district concept with the group, and confirmed that his sense is that Long Lake's Council is still in agreement with these explorations. He shared that one area of discussion related particularly to ladder trucks. He and Council member Dyvik will be meeting again with the Orono Council representatives this coming Friday, and they are trying to meet weekly in order to keep the conversation going.

Council member Dyvik observed that he has been pleased to see how things are going because they are better than he had anticipated, and he believes that there is interest in finding a compromise.

Mayor Miner noted that there was mention at the future fire services meeting the group's discussions are similar to what the cities involved in the Excelsior Fire District went through about 20 years ago. Long Lake representatives will be reaching out to the Excelsior Fire District Board which consists of Council members from each member city.

Weske stated that he had volunteered to collect all the asset and station location information from the different fire departments for assembly into a spreadsheet to show what will fall off or needs replacement and as a way to have an overall inventory.

Council member Dyvik inquired about the possibility of refurbishment of existing equipment rather than purchasing new for something such as a ladder truck.

Van Eyll replied that typically, when major vehicles are somewhere in the five to seven years in service range, they tend to begin refurbishment in order to get another 10 years out of them if possible. He is not a huge fan of that approach because the NFPA comes out with different safety

features every four to six years and the desire is to stay current with those safety enhancements as much as possible.

Council member Joyce added that she hopes the representatives from Orono will understand that Long Lake's motions related to the command vehicles were not meant to be anything other than following the terms of the current contract.

OTHER BUSINESS

Pavement Management Project – Council member Kvale asked if there was an update on the start date for the Pavement Management Project street improvements. Weske replied that he would be attending a pre-construction meeting the following morning and would learn more then.

Dead Trees Along CSAH 112 – Council member Dyvik indicated that he went back and reviewed the landscaping plan for CSAH 112 because there are a number of dead trees from Martha Lane to San Pancho. He referenced staff's plans to replace the trees with existing trees to be removed from The Borough site, and noted that according to the original landscaping plans, the Kentucky Espresso Coffee trees appear to be the ones that are dead and suggested that those not be what is replanted. He stated that he will share the information that he found with Public Works Director Diercks.

Corn Days Parade, City Council Entry – Council member Dyvik brought up the Corn Days Parade and the idea of the City Council possibly having some sort of entry. He asked if the Fire Department was planning to be involved and if the LLFD Studebaker could be driven for the Council to participate. Van Eyll indicated that firefighter Pat Cotton would be unavailable that day to drive the 1926 Studebaker, but Mr. Cotton is planning to qualify others to drive it. He stated that if the Council would like to be in that vehicle for the Corn Days Parade, those accommodations could be made. The Council discussed Corn Days Parade participation, candy, and wardrobe plans. Moeller noted that she would fill out an entry form and email it to the event coordinator in the morning letting them know that the City Council would be involved.

Watering of Hydroseeding - Mayor Miner indicated that he had spoken with Public Works Director Diercks earlier in the day about the hydroseeding that had occurred in some of the City parks, and stated that he believed they started watering it today. Council member Dyvik added that it appeared they also hydroseeded along the CSAH 112 boulevard.

Mayor Absence - Mayor Miner noted that he will be on vacation during the next scheduled Council meeting, and Council member Dyvik will be running the August 16 meeting as Mayor Pro-Tempore.

Park Board Meeting – Council member Joyce mentioned the Park Board will be meeting on August 8, 2022 in Nelson Lakeside Park.

LLWA Carp Removal Project – Council member Joyce believed another carp pull was likely completed last week, but she had not yet seen the data from that pull. She summarized that the box net harvests had removed a total of 904 carp so far this season. Council member Dyvik expressed frustration that the contractor seems to be moving the estimated population numbers. He commented that he believes that every little bit helps, but he felt as though the solution may have been oversold. He reviewed the goals that have been shared by the LLWA previously and questioned whether the total number was now being decreased from what they had originally stated.

LLFD Red Hot Run 5K - Van Eyll expressed his gratitude to everyone, including Mayor and Council members, who came out to the LLFD's Red Hot Run 5K event which was held the previous weekend on July 30.

Honoring Retired Police Officer Bruce Anderson - Mayor Miner shared that a long time Orono Police Officer, Bruce Anderson, had passed away last week and was an important member of the local community. Officer Anderson had started with the Police Department in 1978 and retired about 11 years ago.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:25 pm.

Respectfully submitted,

Scott Weske
City Administrator